

## TOWN OF KINGSTON



## SEWER RULES AND REGULATIONS

RULES AND REGULATIONS GOVERNING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM AND SEWAGE TREATMENT PLANT AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE TOWN OF KINGSTON, COUNTY OF PLYMOUTH, COMMONWEALTH OF MASSACHUSETTS.

In accordance with Section 10 of Chapter 83 of the General Laws, as amended, be it enacted by the Sewer Commission of the Town of Kingston, Commonwealth of Massachusetts (hereinafter "Kingston") as follows:

Kingston Wastewater Department SEWER  
RULES AND REGULATIONS  
Adopted July 19, 2005 Revised August 7, 2019

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**ARTICLE I - DEFINITIONS**

Applicant shall mean any person requesting approval to discharge wastewaters into a public sewer or sewage works.

As-Built Drawings shall mean detailed drawings prepared upon completion of the collection system, sealed by the Design Engineer if requested, which show actual construction and field dimensions, elevations, details, changes made to the construction drawings by modification, details which were not included on the construction drawings, and horizontal and vertical locations of underground utilities, which have been impacted by the utility installation. A photograph (preferably digital), of the site, is to be submitted with the drawings.

A.S.T.M. shall mean the American Society for Testing and Materials.

Bedroom shall be defined as by MA DEP Title V, 310 CMR 15.002, and includes that circumstance where the total number of rooms for a single family dwelling exceeds eight (8), not including bathrooms, hallways, unfinished cellars and unheated storage areas, the number of bedrooms presumed shall be calculated by dividing the total number of rooms by two (2) then rounding down to the next whole number.

Best Management Practices practices such as preventive maintenance. Scheduling of activities or process alterations, which enable the user to comply with the provisions of this ordinance or any applicable state and/or federal guidelines.

Board shall mean the Board of Sewer Commissioners of the Town of Kingston.

BOD: Biochemical Oxygen Demand shall mean the quantity of oxygen used in the biochemical oxidation of organic matter in a specified time, at a specified temperature and under specified conditions. BOD measurement is a method used to assess the strength of wastewater.

Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

COD: Chemical Oxygen Demand shall mean a quantitative measure of the amount of oxygen required for the chemical oxidation of carbonaceous (organic) matter in wastewater using inorganic dichromate or permanganate salts as oxidants in a two (2) hour test.

Capacity Waiting List shall mean Properties in Phase 1 and Phase 2 seeking additional capacity either due to a change in use and/or request for an additional structure requiring sewer capacity. The Wastewater Office receipt date, stamped on the Waiting List Application, determines the placement on the Capacity Waiting List.

Chief Operator shall mean the Chief Operator of the Kingston Wastewater Treatment Plant, or his or her authorized representative, acting as a representative of and reporting to the Superintendent.

Compatible Pollutants Wastewater constituents for which the Publicly Owned Treatment Works (POTW) was designed or is operated to adequately treat.

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Cooling water shall include the clean wastewater from air conditioning, industrial cooling, condensing and similar apparatus and from hydraulically powered equipment. In general, cooling water will include only water that is sufficiently clean and unpolluted to be discharged, without treatment or purification, into any natural open stream or watercourse without offense.

Combined Sewer shall mean a sewer receiving both surface runoff and sewage.

Commission shall mean the Board of Sewer Commissioners of the Town of Kingston.

Common Sewer shall mean a sewer connection that serves two or more properties, all of which are eligible for service as specified in Article III of these regulations.

Completion of Phase I shall mean, July 1, 2002, the mandatory date for connecting to the Town of Kingston's municipal sewer system.

Completion of Phase II shall mean the mandatory connection date is six months after the street is ready for sewer connection.

Comprehensive Wastewater Management Plan (CWMP) shall mean the Final Facilities Plan/Draft Environmental Impact Report - dated January 1998 and the Final Environmental Impact Report - dated June 1998 as well as subsequent amendments authorized by the Board of Sewer Commissioners and approved by the Department of Environmental Protection (DEP).

Composite Sample shall mean a combination of individual samples of wastewater taken at preselected intervals to represent the integrated composition of a wastestream. A minimum of eight grab samples taken at equally spaced intervals throughout the monitoring period to coincide with periods of discharge shall constitute a composite sample.

Connection shall mean the joining or fastening together of pipes so that substances can be transferred from one pipe to another.

Department shall mean Kingston Wastewater Department.

Domestic Wastes The liquid wastes (A) from the non-commercial preparation, cooling and handling of food or (B) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and/or institutions.

Drain Layer shall mean any person or contractor constructing, installing or repairing a sewer service connection on private property.

Drain Layers License shall mean an authorization by the Board of Sewer Commissioners issued to a contractor to perform work on the sanitary sewer system. Drain Layers licenses shall be required for all work greater than 10 feet outside of a building wall.

Equivalent Residential Unit - Units used to allocate Individual Betterments to property. One Equivalent Residential Unit (ERU) is equivalent to a single family home or 330 gallons per day (gpd) of estimated wastewater production.

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Excessive Amounts or concentrations of a constituent of wastewater which in the judgment of the Board: (A) will cause damage to any town facility; (B) will be harmful to a wastewater treatment process; (C) cannot be removed in the town treatment works to the degree required to meet the discharge permit; (D) can otherwise endanger life, limb or public property; or (E) can constitute a nuisance.

Facilities - Structures and conduits for the purpose of collecting, treating, neutralizing, stabilizing or disposal of domestic wastewater and/or industrial or other wastewaters including treatment and disposal works, intercepting sewers, outfall and outlet sewers, pumping stations and all equipment and furnishings integral therewith.

Final Individual Betterments - An individual betterment assessed to property once construction is complete and the sewer system is operational. The Total Betterment Cost recouped through Final Individual Betterments is the Total Project Cost once construction is complete. Final Individual Betterments shall supersede Initial Individual Betterments once they are assessed.

Garbage shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

Grab Sample shall mean an individual sample, which is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and without consideration of time.

Hauler shall mean any person who contracts for the pumping, transport, and disposal of septage.

Holding Tank Waste - Any waste from holding tanks such as vessels, chemical toilets, campers , trailers, septic tanks and vacuum-pump trucks.

Indirect Discharge - The discharge or the introduction of non-domestic pollutants from any source into the POTW; (including holding tank waste discharged into the system).

Individual Betterment - A special assessment tax to an individual property where the property is within a limited and determinable area and receives a special benefit or advantage , other than the general advantage to the community, from the construction of the improvement (in this case sewers).

Industrial Wastes shall include the liquid or water-carried wastes of any industrial process, trade, or business not clearly included within the definitions of sanitary sewage, storm water or cooling water, even if emanating from a residence, as distinct from ordinary sanitary sewage.

Infiltration shall mean the water other than wastewater entering a sewer system, including service connections, from the ground or a water body, through such means as, but not limited to, defective pipes, pipe joint connections or manhole walls.

Inflow shall mean the water other than wastewater that enters a sewer system, including service connections, from such sources as, but not limited to, swimming pools, roof leaders, sump pumps, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, or drainage.

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Initial Individual Betterments - An individual betterment assessed to property once construction has begun and contracts have been signed. The Total Betterment Cost recouped through Initial Individual Betterments may not exceed 50 percent of the value of the signed contracts.

May is permissive; Shall is mandatory.

Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Oil and Grease - Any material (animal, vegetable or hydrocarbon), which is extractable from an acidified sample of a waste by Freon or other, designated solvent and as determined by the appropriate standard procedure.

OSHA - Occupational Safety and Health Administration

Pass Through - The discharge of pollutants through the POTW in quantities or concentrations, which alone or in conjunction with discharge from other sources are a cause of a violation of any requirement of the POTW's discharge permit (including an increase in the magnitude or duration of a violation).

Person shall mean any individual, firm, company, association, society, corporation or group.

pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Plant shall mean the Kingston Wastewater Treatment Plant located at 8 Cranberry Road, Kingston.

Plumbing shall mean piping falling under the jurisdiction of the Plumbing Code, generally piping within a building and extending outside the building ten feet from the building wall.

Plumbing Code shall mean the existing rules and regulations enforced through the Kingston plumbing inspector. Such rules and regulations shall conform to the Commonwealth of Massachusetts Regulations (248 CMR) concerning Fuel Gas and Plumbing Codes.

Pretreatment shall mean the reduction in the amount of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a sewage treatment plant. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means.

Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one quarter (1/4) inch in any dimension.

Public Sewer shall mean every sewer laid in any land, easement, street or way, public or private, to which all owners of abutting properties have equal rights, and which is controlled and has been accepted by the Town. No sewer shall be deemed to be a public sewer unless it meets all these criteria, even if such sewer is located in any land, street or way, public or private.

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Publicly Owned Treatment Works or POTW - The town-owned wastewater treatment plant including all sewers and pumping stations used to convey wastewater to the treatment plant. Also includes all piping and facilities associated with the disposal of treated effluent and sewage sludge.

Regulations shall mean these sewer rules and regulations.

Road Opening Permit shall mean permit for work performed within the public right of way issued by the Superintendent of Streets, Trees and Parks.

Sanitary Sewage shall mean a combination of the liquid and water carried wastes from residences, businesses and commercial buildings, institutions and industrial establishments that contain human waste as distinguished from industrial wastewater.

Sanitary Sewer shall mean a sewer intended to convey only sanitary sewage or, if so stipulated with respect to the particular sewer, sanitary sewage plus industrial or other wastes, and to which storm, surface, and ground waters are not intentionally admitted.

Schedule of Rates shall mean the fixed prices or rates established by the Board of Sewer Commissioners and on file with the Wastewater Department, in accordance with which all charges for sewer use and special services relating to sewer service are made. Refer to the separate document titled Sewer Rates, Charges, Fees and Civil Penalties.

Seepage or Subsoil Drainage shall include water from the soil percolating into subsoil drains and through foundation walls, basement floors or underground pipes, or from similar sources.

Septage shall mean the liquid and solid wastes of sanitary sewage origin that are removed from a cesspool, septic tank or similar on-site wastewater disposal system.

Service Connection shall mean the pipe connecting a building's plumbing system to the sewer main that carries sanitary sewage to the wastewater treatment plant. A Service Connection may also be called a building sewer, house sewer or house connection.

Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

Sewer shall mean a pipe or conduit that carries wastewater.

Sewer Capacity Purchase Program - Program allowing the Board of Sewer Commissioners to purchase the sewer capacity of a property owner with a vacant lot for which a betterment has been assessed. See Article 3 Section 3.05

Sewer Connection Fee shall mean a fee established pursuant to Article 14 of the October 20, 2004 Special Town Meeting of the Town of Kingston as amended by Article 11 at the May 23, 2017 Annual Town Meeting with the adoption of MG.L. Chapter 83 Section 15D

Sewer Debt Service - That portion of the Total Project Cost that is to be repaid through the Town tax rate, when applicable.

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Sewer Main (sometimes referred to as a sewer lateral) shall mean a sewer that carries wastewater from a service connection to a trunk or other public sewer.

Shall is mandatory; May is permissive.

Slug shall mean any discharge of water or wastewater where a concentration of any given constituent may adversely affect the sewer system, or where a fifteen (15) minute or longer quantity of flow is more than five (5) times the average twenty-four (24) hour concentration or flow during normal discharge.

Standard Methods shall mean an assembly of analytical techniques and descriptions commonly accepted in water and wastewater treatment as found in the most recent edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Storm Drain (sometimes referred to as a storm sewer) shall mean a pipe that carries storm water and surface waters and drainage but excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.

Superintendent shall mean the Superintendent of Kingston's Wastewater Treatment Plant, or his or her designees.

Suspended Solids shall mean solids that either float on the surface of, or are suspended in, water, sewage, or other liquids, and which are removable by laboratory filtering.

Title 5 Flow shall mean the design flow of sanitary sewage from a building or buildings as defined by the State Environmental Code, Title 5: Minimum Requirements for the Subsurface Disposal of Sanitary Sewage.

Total Betterment Cost - That portion of the Total Project Cost that is to be repaid through betterments.

Total Project Cost - Total cost associated of the sewer project including cost of engineering, facilities construction, land acquisitions, construction engineering services, legal fees, interest and all related contingencies less all state and federal financial aid received.

Town shall mean the Town of Kingston, Massachusetts.

Trunk Sewer shall mean the principal public sewer to which sewer mains are tributary.

User shall mean any individual person, company or association owning or operating a facility discharging sanitary sewage, septage or industrial wastewater directly or indirectly into a Town of Kingston sanitary sewer.

Wastewater - The spent water of a community which may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

Watercourse shall mean a channel in which a flow of water occurs, wither continuously or intermittently.

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Water Pollution Control Federation (WPCF) Manual of Practice No. FD-5 Gravity Sewer Design and Construction shall mean the document prepared by a joint task force of the American Society of Civil Engineers and the Water Pollution Control Federation, 1982.

## **ARTICLE II - USE OF SEWERS**

### **2.1 Use of Sanitary Sewers**

Except as specifically provided in writing with reference to a particular sewer connection, sanitary sewers shall be used only for the conveyance and disposal of sanitary sewage as defined in these regulations and for diluted, water-carried industrial wastes, which are not objectionable as provided hereinafter. Any use of the sanitary sewers for diluted, water-carried industrial wastes shall require the prior, explicit approval of the Board in writing.

### **2.2 Changes in Use**

Any person proposing a change in the volume of sewage discharged into the system or a substantial change in the character of pollutants that are being discharged into the system shall file an application for sewer service, and no such new discharge or change may occur until the Board has approved the application. A change in use may result in a Sewer Surcharge or Connection Fee.

### **2.3 Permissible and Non-permissible Discharge**

No person or party shall discharge or put into any public sewer of the Town of Kingston, or into any sewer or fixture which thereafter discharges into any public sewer or appurtenance thereof, any waste or substance other than such kinds or types of water or water-carried wastes for the conveyance of which the particular sewer or appurtenance is intended and designed.

### **2.4 Discharges of Unauthorized Wastes**

Excepting wastes which a particular sewer was originally authorized by the Town to convey, discharges of other wastes shall not be permitted, unless the Board shall have amended the original designation in writing. Any customer found to be discharging unauthorized wastes shall be subject to penalties and fees.

### **2.5 Inflow**

No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage, water seeping into buildings or excavations from soils or other underground sources, flows of natural springs or ground waters, surplus from flowing wells, the discharge from swimming pools, roofs, roof conductors, yard drains, basement drains and sumps, or street or highway drains.

### **2.6 Cooling Water in Sanitary Sewers**

Non-contact or uncontaminated contact cooling water or similar uncontaminated process waters shall not be discharged at any time from any place into any sanitary sewer.

### **2.7 Disposal of Septage**

The Board may allow the disposal of septage at the Plant. Septage shall not be disposed of into the sanitary sewer except with the advance approval of the Superintendent.

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2.8 Schedule of Rates

All charges for sewer service shall be made in accordance with the Schedule of Rates on file with the Wastewater Department. The owner of the property shall be liable for the payment of the sewer use charges for such building.

2.9 Information to be provided to the Superintendent upon Request

When required by the Superintendent, any person discharging wastes that the Superintendent believes may contain the substances or possess the characteristics enumerated in this article might be required to provide information needed to determine compliance with this regulation. These requirements include, but are not limited to, the following:

- a) Sewage discharge peak rate and volume over a specified time period.
- b) Chemical analyses of sewage conducted by an approved wastewater-testing laboratory.
- c) Information on raw materials, processes and products affecting sewage volume and quality.
- d) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
- e) A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
- f) Details of sewage pretreatment facilities.
- g) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

2.10 Excluded Substances and Limitations on Flow Discharged into All Sewers

No person or property owner shall discharge or permit to be discharged, directly or indirectly, from any premises under his or her control into any sanitary sewer of any kind or type, any of the following:

- a) sanitary sewage and/or wastewater containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or not amenable to treatment as necessary for the sewage treatment plant effluent to meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;
- b) sanitary sewage and/or wastewater likely to cause damage, injury or loss to other persons or to the property of other persons who are lawfully entitled to use the sewer or sewers through which said wastes are discharged, or to any person or equipment engaged in sewage treatment and disposal for the Town. This prohibition shall be understood as applying to all substances discharged into any sewer, and as limiting the quantity and rate of flow of sanitary sewage and/or wastewater, which may be discharged from any one parcel or plot of property to approximately what the sewer was intended to receive from that particular parcel or plot or from a typical parcel of that size or area;
- c) any substance or object likely to damage, injure, destroy or cause an obstruction in any sewer, or appurtenance thereof;
- d) any substances that may attack, damage or alter by either abrasion or chemical action the materials of which the sewer and its appurtenances are composed or built;

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- e) unusual volume of flow or concentration of wastes constituting "slugs" as defined herein;
- f) excessive discoloration (such as, but not limited to, dye wastes or 'vegetable tanning solutions');
- g) chlorine or substances with high BOD or COD in such quantities as to constitute a significant load on the sewage treatment works;
- h) unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride, sodium sulfate and ferrous ion compounds);
- i) sticks, stones, rubbish, rags, unground, unshredded, or improperly shredded garbage, refuse or portions of any animal carcass having particles more than one quarter inch in longest dimension;
- j) any debris or substance which, by depositing any considerable quantity of sediment, by coagulation, by congealing or by attaching itself to the lining of the sewer or to other substances being transported within the sewer, is likely to cause an obstruction in any sewer or appurtenance;
- k) any sanitary sewage and/or wastewater containing considerable quantities of animal guts or tissues, entrails, offal, blood, feathers, hair, hides, scraps, unshredded vegetables, straw or cinders;
- l) any sanitary sewage and/or wastewater containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;
- m) ground, storm and surface waters, roof runoff, swimming pool drainage and subsurface drainage including but not limited to, discharge from basement sumps.
- n) any sanitary sewage and/or wastewater which is strongly acid, and which, when tested in the Standard Methods technique, has a "pH" less than 6.5 or which is strongly alkaline and has a pH more than 8.5 (pH means the logarithm of the reciprocal of the concentration of the hydrogen ions in grams per liter of solution);
- o) Any liquid or vapor having a temperature higher than one hundred fifty (150) F (65 C) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty two (32) and one hundred fifty (150) F (0 and 65 C)
- p) Septage. Septage may only be discharged at the wastewater treatment plant and then only by authorized or licensed septage haulers.
- q) hazardous wastes and/or material as defined by the Commonwealth of Massachusetts Department of Environmental Protection Regulations (310 CMR), or successor regulations as amended;
- r) any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by State or Federal regulations;

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- s) any gasoline, fuel oil, benzene, naphtha, kerosene, alcohol, oil, tar , flammable or explosive gas or vapor or any substance which may generate or form any flammable, explosive or combustible solid, liquid or gas, or mixture when combined with air, water or other substances commonly found in sewers, including but not limited to wastestreams with a closed cup flashpoint of less than 140 degrees F or 60 degrees C using the test methods specified in 40 CFR 261.21;
- t) any sanitary sewage and/or wastewater containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, cause acute worker health and safety problems within the wastewater facilities or create any hazard in the receiving waters of the plant discharge;
- u) any sanitary sewage and/or wastewater containing toxic or poisonous solids, liquids or gases in excess of the limits established pursuant to Section 307 of the Clean Water Act as amended;
- v) any sanitary sewage and/or wastewater from an industrial or commercial process containing amounts of toxic or objectionable metals, non-metals and/or solids in concentrations in excess of applicable federal and/or state laws and regulations or wastes requiring an excessive disinfection treatment. Such metals and non-metals include, but are not limited to, the following:
  - Acrolein
  - Aldrin
  - Ammonia
  - Arsenic
  - Beryllium
  - Boron
  - Cadmium
  - Chromium
  - Chlorinated
  - Naphthalenes
  - Copper
  - Cyanides
  - Herbicides
  - Iron
  - Lead
  - Mercury
  - Molybdenum
  - Nickel
  - Pesticides (as listed in MWRA Regulation 360 CMR 10.02)
  - Phenols
  - Polychlorinated Biphenyls (PCBs)
  - Selenium
  - Silver
  - Tetrachlorodiphenylethane
  - Zinc

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- w) any sanitary sewage and/or wastewater containing strong phenols or other taste or odor-producing substances, in concentrations that exceed limits which may be established by the Superintendent as necessary, and/or in such concentrations that after treatment of the sewage fails to meet the requirements the federal, state or other public agencies or jurisdiction for discharge to the receiving waters;
- x) any sanitary sewage and/or wastewater containing excessive sand, grit, or other materials that could interrupt or otherwise impede flow, pumping or processes within the sewer collection and transmission system or at the wastewater treatment plant.
- y) Sludges from industrial pretreatment facilities.
- z) Solid or viscous substances in quantities or such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ash, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, disposable wipes, dental floss, disposable gloves, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground garbage grinders.

**2.11 Discharge of Sanitary Sewage and/or Wastewaters with Characteristics Enumerated Above**

If any sanitary sewage and/or wastewaters are discharged, or are proposed to be discharged, to the public sewers, which sanitary sewage and/or wastewaters contain the substances or possess the characteristics enumerated in this article and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance or create an additional volume of flow in the sanitary sewer of groundwater, storm water, surface water, roof runoff and subsurface drainage (including, but not limited to, discharge from basement sumps), the Superintendent may:

- a) reject the sanitary sewage and/or wastewaters;
- b) require pretreatment to an acceptable condition for discharge to the public sewers;
- c) require control over the quantities and rates of discharge; and/or
- d) require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges.

**2.12 Determination for Exclusion**

In determining whether any substance discharged or proposed to be discharged into any public sewer is to be excluded under any section of these regulations, consideration shall be given to the quantity, time or times, rate and manner of discharge, character of the sanitary sewage and/or wastewater in question, the size of the sewer into which it is, or is to be, discharged, the probable quantity of other sewage in said sewer at the time of discharge, the quantities of other objectionable substances likely in said sewer, and other pertinent facts.

- a) Minute quantities of a substance that would be objectionable in larger quantity may be permitted, upon specific advance approval from the Superintendent, if the quantity discharged is very small in comparison to the receiving sewer and the flow therein at the time of discharge.

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- b) Exceptions will be determined on an individual basis. Any permission to discharge minute quantities of an otherwise excluded substance shall be revocable at any time by the Superintendent.

2.13 Pretreatment

If the Superintendent permits the pretreatment or equalization of sanitary sewage and/or wastewater flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

- a) The attempt to achieve compliance with the discharge limitations of these regulations by increased dilution, including increased use of process water as a substitution for adequate treatment, is prohibited.
- b) Any use of the sanitary sewers for diluted, water-carried industrial wastes shall require the prior, explicit approval of the Superintendent in writing.
- c) All such plants and equipment shall be maintained continuously in satisfactory and effective operation by the owners at their expense. In maintaining such plants and equipment, the owner shall be responsible for the proper removal and disposal by appropriate means of any residue and shall maintain records of the dates and means of disposal, which are subject to review by the Town. Licensed waste disposal firms must perform any removal and hauling of the collected materials not performed by the owner.

2.14 Protective Devices

At all premises where substances specified to be excluded from sewers, by these regulations and including but not limited to liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients are customarily present and liable to be discharged directly or indirectly into any sanitary sewer, suitable and sufficient piping layouts, sand, oil or grease traps or separators, screens, sedimentation chambers, storage and regulating treatment, cooling or condensing equipment and similar devices or equipment shall be provided, maintained and operated to ensure that no substance required to be excluded from the sewer shall be discharged thereunto in violation of the requirements of these regulations. All restaurants and institutional kitchens shall be required to have an approved grease trap or grease removal system. Each gas station shall have an approved fuel trap. Each car wash shall have an approved sand trap.

- a) All such equipment and devices shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
- b) The owner(s) shall be responsible for maintaining these devices and for the proper removal and disposal by appropriate means of the captured material and shall maintain written records of the dates, and means of disposal, which records are subject to inspection by the Superintendent or an authorized representative. Currently licensed waste disposal firms must perform any removal and handling of the collected materials not performed by the owners' employees. Written records shall be provided to the Sewer Commission quarterly.
- c) In the case of groundwater, storm water, surface water, roof runoff and subsurface drainage (including, but not limited to, discharge from basement sumps), proper connection to the Town's storm water drainage system, where allowable, is considered a protective device.

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**2.15 Sampling and Measurement of industrial Wastes**

When required by the Superintendent, the owner of any property having a service connection carrying industrial wastewater shall install a suitable control manhole, together with such necessary meters and other appurtenances, in the service connection to facilitate observation, sampling and measurement of the waste stream. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

**2.16 Methods of Analysis**

All measurements, tests and analyses of the characteristics of sanitary sewage and/or wastewater to which reference is made in these regulations shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole

- a) In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the sewer to the point at which the service connection is made.
- b) Sampling shall be carried out by customarily accepted methods to reflect the effect of wastewater constituents on the sewage works and to identify any hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise(s) is appropriate, or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs is determined from periodic grab samples.)

**2.17 Flow Measurement**

All industries shall be measured with a sealed water meter on the water supply line.

**2.18 Monitoring**

All industries discharging into the sewer shall perform such monitoring of their discharges as the Superintendent and/or other duly authorized agents of the Town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. The Superintendent shall make such records available upon request to other agencies having jurisdiction over discharges to the receiving waters. Included, but are not limited to, the following:

- pH
- Temperature
- Color
- Specific Conductance
- Total solids
- Total volatile solids
- Total suspended solids
- Total volatile suspended solids
- Total dissolved solids
- Acidity

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- Alkalinity
- 5-day BOD
- COD
- TOC
- TOD
- Oil and Grease
- Chloride
- Sulfide
- Sulfate
- Phenols
- NH (as N)
- NO (as N)
- NO (as N)
- Total Kjeldahl Nitrogen
- Orthophosphate (as P)
- Total phosphorus (as P)
- Hydrocarbons
- Asbestos compounds
- Pesticides
- Benzene
- Herbicides
- Cyanides
- Priority Pollutants
- Esters
- Cr, Cu, Cd, Fe, Pb, Mn, Zn, F, As, Hg, Ni, Ag

**2.19 Agreement between Town and Industry**

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern.

**2.20 No Expense to Town**

All requirements of this Article shall be satisfied at no expense to the town.

**ARTICLE III - CONNECTION TO AND WORK ON SEWERS**

**3.1 Mandatory Connection**

Any house, building or property granted a betterment as part of Phase 1 or Phase 2 of the Town of Kingston sewer project is required to connect to the town sewer.

**3.2 Limited Treatment Capacity**

The treatment plant for the Town of Kingston is designed with limited capacity. The design capacity is capable of properly treating the effluent of all existing lots that received betterments as part of Phase 1 and Phase 2 of the Town of Kingston sewer projects, provided that each property is limited to the

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existing use as reflected in the Assessors' records as of July 1, 2002 for Phase 1 and June 5, 2006 for Phase 2. All sewer allocations are based on Title V 310 CMR 15.203 calculations.

### 3.3 Allocation of Treatment Capacity

a) Each single family residence in Phase 1 and Phase 2 is presumed to have three (3) bedrooms. Residences with less than three (3) bedrooms may be expanded as a matter of right relative to sewer capacity. No residence may be expanded beyond three (3) bedrooms unless the owner shall first obtain approval from the Board of Sewer Commissioners.

b) Any multiple family or non-residential use legally in existence prior to July 1, 2002 for Phase 1 or June 5, 2006 for Phase 2 may maintain its current level of activity as a matter of right. Any expansion of such multiple family or non-residential use cannot occur without approval of the Sewer Commission.

### 3.4 Vacant Lots

For the purposes of sewer capacity, any existing vacant lot assessed a betterment is allocated 330 GPD of sewer capacity and may be permitted for a three (3) bedroom single family residence or any combination of permitted uses, totaling 330 GPD.

Vacant Lots allocated more than 330 GPD (one ERU) would be permitted sewer capacity equal to the total gpd allotted. Vacant lots created from the subdivision of an existing parcel are not guaranteed sewer capacity.

Bettered Vacant Lots eligible for the Sewer Capacity Purchase Program

1. Vacant lots where betterment abatement requests were denied due to the six month abatement application deadline (MGL Chapter 80 Section 5)
2. vacant lot combined into another adjacent lot, creating one lot
3. vacant lots deemed unbuildable and/or undevelopable by the Town of Kingston
4. vacant lots where a property-owner relinquishes any buildable rights with a deed restriction.

### 3.5 Sewer Capacity Purchase Program

Pursuant to Chapter 365 of the Acts of 2012, the Sewer Commissioners have been granted the authority by the Commonwealth of Massachusetts to establish a program by which the board may purchase sewer capacity that has been previously allocated to a vacant parcel and for which a betterment has been assessed but has not been utilized.

Only vacant lots may be considered for the purchase of unused sewer capacity. The selection of eligible lots is subject to the sole and unfettered discretion of the Sewer Commissioners who may adopt policies, criteria for prioritizing and selecting eligible properties.

The Sewer Commission shall establish a process and/or provide forms for applying for the Sewer Commission to purchase unused sewer capacity. As a condition of any purchase of sewer capacity under this Program, the subject property owner and the Commission must enter into an agreement that discharges any lien on the property; and extinguishes the betterment and entitlement to sewer capacity. A deed restriction, indicating the vacant lot is no longer entitled to sewer capacity, must be recorded at the Plymouth County Registry of Deeds. All such instruments shall be in a form approved by the Commissioners and Town Counsel. The available capacity, created by the Sewer Capacity Purchase Program, may be allocated to other properties, within the

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existing sewerage area, as may be determined by the Sewer Commission consistent with its policies, regulations and Massachusetts law.

### 3.6 Process

The sewer buyback shall be in an amount that is equivalent to the betterment assessment for the particular property. Any remaining balance of the betterments due on the vacant lot will be forgiven in exchange for the available sewer capacity. The balance of the purchase price shall be equivalent to the monies paid to date for a betterment on the bettered vacant lot. The property owner who subsequently purchases the subject capacity will pay the full Phase 1 or Phase II betterment amount the vacant lot was assessed. The charge will be assessed to the purchasing property as a Connection Fee with the seller receiving the original betterment amount paid to date while the remaining funds will be deposited into the betterment fund to pay the remaining debt owed.

The selling property owner is responsible for the execution of any deed restrictions that may be needed as well as any Plymouth County Registry of Deed's recording fees required to finalize the transaction. Payment to the seller will occur when the Wastewater Department has received any and all monies needed and any required documentation along with the signed Relinquishing of Allocated Sewer Capacity form, to finalize the agreement. The sewer capacity will revert back to the Board of Sewer Commissioners once payment is made to the selling property owner.

For purchasers of sewage capacity that is "bought back" under this program, if an approved sewage flow allocation is not used (all federal, state, and local permit approvals issued and construction started) within one year from the date flow allocation was approved, the sewage flow allocation may revert to the Sewer Commission automatically unless the Sewer Commission, in its sole discretion, grants an extension of time for good cause shown prior to the expiration of the one year period from the approval of the sewer bank withdrawal. If an extension is not granted prior to the expiration date, any monies paid to date may be forfeited and the allotted sewer capacity will revert back under the control of the Board of Sewer Commissioners.

Available capacity may be used for;

1. properties located adjacent to the wastewater collection system to correct septic system problems posing environmental or public health problems, or to prevent potential environmental or public health problems from septic systems; with prior approval from the Department of Environmental Protection when necessary. Any additional expenses incurred are the sole responsibility of the applicant, including but not limited to sewer extension, sewer extension permits, engineering, construction, peer review, etc.
2. furthering Economic Development; for example:
  - an existing business or proposed development that is in the public interest, benefiting not only the applicant, but also the general public;
  - an existing business or proposed development that provides necessary public services; ~~and~~
  - an existing business or proposed development that would be more economically viable if additional flow were allocated to the property

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3. expansion of existing residential or commercial connections:
  - No more than one application per property parcel shall be accepted;
  - creation of a new buildable lot within the sewered areas
4. connecting public facilities, such as, Police Station, Town Offices Annex, Fire Station, or other municipal or governmental facilities

The Sewer Commissioner may not allow new connections to or extensions of its sewer system, nor allow any increase in flow from existing connections when the Wastewater Treatment Facility's operation would exceed DEP's rules, regulations and/or guidelines.

Properties outside of Phase 1 and Phase 2 sewer service areas

Because of the limited treatment capacity, properties located outside of the Phase 1 and Phase 2 sewer service areas, may not, as a right, connect to the sewer. With Department of Environmental Protection approval, property in an environmentally sensitive area may take precedence. Any costs associated with such connection are the responsibility of the individual seeking the connection.

3.7 Rebuilding because of fire, flood, storm or other acts of nature

Relating to this Article, a property owner may rebuild a structure destroyed by fire, flood, storm or other acts of nature as a matter of right provided that the new structure does not exceed the number of bedrooms of the structure being replaced.

3.8 Termination and elimination of septic systems

Within 30 days of the property's connection to the public sewer, any septic system, cesspool, privy or other wastewater disposal system located on the property shall be pumped out and permanently decommissioned in accordance with methods and procedures approved by the Board of Health.

3.9 Violations

Any person found to be violating any provision of this Article shall be served by the Town with written notice stating the nature of the violation and providing for a reasonable time limit for the satisfactory correction thereof. Any person who shall continue any violation shall be subject to a fine according to the Town of Kingston General By-Laws Chapter 15 or the Sewer Rates, Charges, Fees and Civil Penalties ' Attachment A. This section shall in no way limit the Town's power and authority to seek other remedies that it may have by law. Any person violating any of the provisions contained herein shall be liable to the Town for any expense, loss or damage occasioned the town by such violation.

3.10 Sewer Mains

Requests for the installation of a new sewer main to extend the system of public sewers must be made in writing to the Board of Sewer Commissioners and the Dept. of Environmental Protection, if necessary.

- a) Eligibility - A request to install a new sewer main shall only be accepted by the Board if the request conforms to the Comprehensive Wastewater Management Plan (CWMP).
- b) Ownership - Each new sewer main constructed within the Town right-of- way or an accepted easement shall be granted to Kingston as a public sewer, unless otherwise specified by vote of the Board.

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3.11 Service Connections

Requests for the installation of a new sewer service connection to the public sewers or the repair/replacement of an existing sewer service connection must be made in writing to the office of the Board of Sewer Commissioners. See "Sewer Connection Application" for details.

3.12 New Service Eligibility

At a minimum, the approval of an application for a sewer service connection will be subject to the following requirements:

- a) Property Frontage to a public sewer - No service connection may be allowed unless a parcel of real property:
  - 1. abuts an existing gravity sewer main, or the requested property has an easement for sewer utility in place
- b) Single Building Connection Allowed per Parcel
  - 1. Persons owning a parcel of real property abutting a public or private way in which a public sewer has been laid shall be allowed only a single service connection for each such parcel. Unless a different determination is made by the Board as provided in Section 2 (b) below, only a single building (not to exceed 330 gallons per day) shall be permitted to utilize the sewer connection.
  - 2. Any parcel of real property abutting a public sewer that is divided into two or more parcels shall be entitled to only a single sewer connection. For purposes of this subparagraph, a parcel of real property may ~~shall~~ be considered to be divided into two or more parcels when one of the following plans showing the divided parcels has been filed with the Kingston Planning Board:
    - a. a Definitive Subdivision Plan;
    - b. an Approval Not Required Plan,
    - c. a Preliminary Subdivision Plan, but only to the extent a Definitive Subdivision Plan is filed within seven months after the Preliminary Subdivision Plan, all in accordance with the Kingston Subdivision Rules and Regulations and/or
    - d. Recorded at the Plymouth Registry of Deeds after the completion of Phase I (July 1, 2002) and Phase 2 (April 10, 2008).
  - 3. The Board may determine that it is in the best interests of the Town to allow more or fewer sewer connections than described in this section. In making the determination, the Board shall consider, but not be limited to, the following factors:

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- a. the requirements of Mass. Gen. Law chapter 83, section 3; consistency with the CWMP
- b. the available capacity of the Plant or the sewer collection and transmission system;
- c. protection of the public health and safety; and
- d. protection of Wellhead Protection Areas (Zone II) as approved by the Department of Environmental Protection.
- e. such other factors consistent with the Board's authority pursuant to G.L.c.83, §10.

3.13 Service Configurations

- a) Separate Service Connections - Subject to Section 2, a separate and independent service connection shall be provided for every building, except that accessory buildings such as a garage or barn on the same lot may be connected to the primary use building, or if accepted as a common sewer (see below) with the advance approval of the Board. If the gallons per day (based on water consumption) are increased as a result of this connection, the property owner may be required to disconnect the service or pay a Sewer Surcharge or Connection Fee. The Town does not assume any obligation or responsibility for damage caused by or resulting from any such joint connection.
- b) Common Sewer Connections - Subject to Section 2, the Board may allow connection of a common sewer where:
  - 1. one building stands at the rear of another and no private sewer service connection is available or can in any way be constructed to the rear building, or
  - 2. such common sewer connection would serve lots all of which are individually eligible for connection, and where such common sewer connection would be made in lieu of separate individual sewer connections provided the distance from the nearest building to the Town sewer is greater than 200 feet.

3.14 Ownership

The portion of a service connection not lying within the public way or accepted easement shall be the property of the property owner who shall be responsible for its maintenance. In the case of service connections with privately purchased grinder pumps, this includes the grinder pump system.

- a) Once accepted, the portion of the service connection within the public way or an approved easement accepted by the Board for the purposes of long-term operation and maintenance shall become the property of the Department.
- b) The owner or owners of all the properties to be served by a common sewer connection must demonstrate to the Board adequate provisions for the long-term operation and maintenance of the proposed common sewer connection.

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3.15 Cost of Service and Town Indemnification

All costs and expenses incident to the installation of a service connection and connection to sewer main shall be borne by the owner, including any inspection costs. The owner shall indemnify the Sewer Enterprise Fund and the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the service connection.

3.16 Application for Service

Written applications for new sewer service connections or repair/replacement of existing sewer service connections shall be made, by the owner of the property to be served, to the office of the Wastewater Department.

- a) An approved application for sewer service shall constitute a sewer service connection permit, subject to the terms and conditions stated and referred to therein. Such permit shall be valid for 90 days from the date of issue, but the Board may issue an extension for up to one additional year. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without an approved application for sewer service, signed by the Board.
- b) Applications for new service or relocation of service shall be accompanied with a general site plan and utility schematic showing the proposed service layout. The Board may require a detailed design plan prepared by a professional engineer registered in the Commonwealth of Massachusetts. The permit application shall be supplemented by any plans, specification, or other information considered pertinent in the judgment of the Board.
- c) Establishments producing industrial wastes shall submit detailed plans showing facilities and operating procedures that shall pinpoint any indirect connections or entry points to the sewer system.
- d) When the application for service involves either new construction or a change in use resulting in an increase in volume discharged into the system or a significant change in the character of the discharge from an existing building, the Superintendent may require a sewer system impact assessment prepared at the applicant's expense prior to approval of the application.
- e) When applicable, approved permits from the Massachusetts Department of Environmental Protection for Sewer Extension or Connection (314 CMR 7.00) shall be secured.
- f) In accordance with Town By-Laws and regulations, all persons making excavations or using any portion of any public way are required to obtain a written Road Opening permit from the Superintendent of Streets, Trees and Parks.
- g) An application for service may be denied on the grounds that it is not in the best interest of the Town's sewer system, including, but not limited to the reason that the sewer system does not have the capacity to collect, transmit, treat or discharge the proposed flow. This is in accordance with Chapter 250 of the Acts of 2006, passed by the Massachusetts State Legislature and called "An Act of Regulating the Grant of Sewer System Connections, by the Sewer Commissioners of the Town of Kingston".
- h) All applications to discharge any Industrial Wastes, drainage substances, or wastes directly or indirectly into any Sanitary Sewer under the control of the Board or tributary thereto, shall be accompanied by an agreement stating that the Applicant agrees to abide by all By-Laws,

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ordinances and rules and regulations of the town, that the Applicant will provide such works for the pretreatment of the Industrial Wastes, drainage, substances or wastes as may be required by the Board, and that the Applicant will permit the Board to enter the premises of the industry to sample and measure the Sewage, as needed, to check the characteristics of the Sewage, when so determined and directed by the Board.

- i) Applications for permits must be signed by both the Licensed Drain Layer and the property owner and approved and signed by the Board of Sewer Commissioners or the Wastewater Superintendent.

**3.17 Design, Construction and Materials Specifications**

The design, construction and materials of a sewer main or service connection, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the Kingston Construction Standards, building and plumbing code, or other applicable rules, regulations and by-laws of the Town. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in the appropriate specifications of the ASTM and WPCF Manual of Practice No. FD-5 shall apply. W.E.F. Manual of Practice No. 8 except only PVC type SDR 35 with bell and spigot or ductile iron class 52 with push-on joints pipe shall be used.

**3.18 Design**

- a) A registered engineer shall certify any proposed sewer main design. The Board reserves the right to hire an independent consultant to perform a peer review with all associated costs borne by the applicant.
- b) An existing private service connection shall not be used in connection with new building construction unless
- c) division records show the age of the service is less than 50 years, and it is found, upon examination and tests accepted by the Superintendent, to meet all requirements of these regulations. The cost of such examination and testing to confirm the acceptability of an existing building sewer shall be the responsibility of the building owner.
- d) The preferred method for discharge of sanitary sewage from an individual building or a group of buildings to the Town of Kingston sewer system is by gravity flow. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. However, when a service connection for a building cannot, in the opinion of the Superintendent, be reasonably discharged to the Town's public sewer system by gravity flow, then it may be discharged into a low pressure system or may be discharged by lifting the sewerage or by an equally efficient method, provided said method is approved by the Superintendent.
- e) Each such sewer shall remain within public ways for its entire length except where this is not practical. In such cases, easements deemed appropriate by the Board for the operation and maintenance of the sewer shall be conveyed to the Town without cost to the Town.

**3.19 Construction - General**

Any Drain Layer/Contractor performing work relating to connections, extensions or repairs of existing or new sewer lines shall perform the work with strict adherence to all applicable OSHA (Occupational Safety and Health Administration) Safety Standards. It is the sole responsibility of the Drain

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Layer/Contractor to insure that all applicable OSHA Standards are being observed. The Wastewater Department and the Town of Kingston assumes no responsibility for the Drain Layer/Contractor violating OSHA rules or for any injuries or damages resulting from any violations of the rules.

- a) All extensions will be made under the supervision of the Superintendent or the Board's duly authorized agent, or his or her representative at the cost of the property owner, and in accordance with the Town By-Laws, these regulations and department specifications.
- b) All the work related to the installation, repair, extension or modification of service connections to public sewers shall be performed by persons licensed by the Town of Kingston.
- c) Unless otherwise authorized, sewer work performed within the right of way shall be performed by contractors approved by the Board. with the owner paying to the Town special service fees as provided below, and in accordance with the Schedule of Rates.
- d) All persons authorized to do sewer work and make excavations in public ways in accordance with a Town issued Road Opening Permit shall notify the Superintendent forty-eight (48) hours before starting work.
- e) The applicant for the service connection permit shall notify the Superintendent (48) hours before the connection is ready for inspection and tie-in to the public sewer. The tie-in shall be made under the supervision of the Superintendent or his or her representative and in accordance with the Town's specifications.
- f) No person shall do any digging without notifying the appropriate utilities as required by state law and without obtaining a trench permit from the Fire Department.
- g) No sewer road service work shall be performed between the Town of Kingston's Road Closing Date and the Road Opening Date except in exceptional cases authorized by the Board of Selectmen and as approved by the Superintendent of Streets, Trees and Parks.
- h) Notification of completion of work with certification that all conditions have been complied with shall be filed in writing to the Superintendent within twenty-four (24) hours after completion of the work covered in each permit.
- i) The licensed Drain Layer (see Article IV) shall provide an as-built drawing of the service to the Department at the time of final inspection. This drawing shall be neat and legible and fit onto an 8 1/2' by 11' piece of paper. Accompanied with a photograph, preferably digital, of the tie-in.

**3.20 Construction - Specifications**

- a) A minimum of 6-inch pipe shall be used for all building sewers.
- b) Use of magnetic tape, when requested by the Superintendent/Chief Operator Wastewater Treatment Plant
- c) All joints shall be watertight and gas tight.
- d) No building sewer shall be connected to the public sewer unless a building has a soil pipe extended to the top of the building, properly vented.  
All pipes shall be laid on a crushed stone (3/4-inch stone) bed (depth dictated by the Board or an authorized representative, if deemed necessary) extending to one foot above the crown of the pipe to

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the full trench width. In instances where groundwater may back up in the basement, a well-compacted backfill seal shall be placed around the building sewer at the face of the building. Backfill above the crushed stone shall be placed in 12-inch lifts and well compacted. No backfill shall be placed until work has been inspected by the Superintendent or authorized agent.

- e) All excavations for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, pathways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.
- f) When water is present in the trench, a sump of crushed stone shall be constructed and water shall be pumped, in accordance with all applicable Conservation Commission regulations and requirements. The trench shall be kept dry at all times during construction. At no time shall groundwater in the trench be allowed to enter the sewer system.
- g) At times when pipe installation is not in progress, the open ends of the pipe shall be closed with temporary, watertight plugs.
- h) The connection of the building sewer into the public sewer shall be made at the 'Y' connection. If no branch is available, a connection may be made by tapping the existing sewer, following approval of the Superintendent. Cutting a hole in the pipe is prohibited.
- i) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

**3.21 Unauthorized Connections**

No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining permission from the Board or make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater including, but not limited to, discharge from basement sumps to a service connection or other location which, in turn, is connected directly or indirectly to a public sanitary sewer.

**3.22 Special Service Fees**

The special service fees for administrative, inspection and construction services for each connection shall be assessed according to the Schedule of Rates on file with the Department, the full amount of which shall be paid to the Town before work commences.

**ARTICLE IV - LICENSING OF PERSONS AUTHORIZED TO MAKE CONNECTIONS TO THE PUBLIC SEWERS**

**4.1 License Required**

Contractors must be licensed by the Board as Drain Layers authorized to perform work on Sanitary Sewer service connections within the Town of Kingston.

- a) All applicants for licenses are required to pay a fee in accordance with the current schedule of fees.
- b) The contractor shall provide a reference from at least one other Town in which the firm has done sewer work or proof of current licensure as a Drain Layer in another Massachusetts town.

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- c) All Drain Layer applicants shall also provide the Board a list of communities in which they are currently licensed with references and telephone numbers, a list of their last ten (10) building sewer installations with references and telephone numbers.
- d) The contractor shall be required to provide written acknowledgement of receipt of instruction as to the Town of Kingston sewer service application procedures and awareness of applicable design and construction standards established by the Board.
- e) Licensees are required to give personal attention to all connections to the Town sewer system and shall employ only competent workers. The licensee shall be responsible for compliance with all rules, regulations and standards of the Town and all required repairs for a period of one year from acceptance of any such work. No person duly licensed by the Board to construct building sewers and make connections to public sewers shall allow his name to be used by any other person, either for the purpose of doing work under his license or for obtaining permits.
- f) All building sewer installation work shall be performed by Licensed Drain Layers with a statement that the licensee shall supervise and be responsible for all work performed under the license.
- g) In the event that licensees find substances in a sewer for which the sewer connection is not permitted during the course of their work, the licensees are required to notify the Department within twenty-four hours.
- h) The Board reserves the right to immediately revoke any license if any provision of said license is violated. In addition, general penalties provided for the violation of these regulations may also apply. Applicants for licenses shall be approved or disapproved within a 14-day period after filing the application.
- i) All licenses expire on December 31 of the calendar year or upon departure of the responsible party (signatory), or upon failure of contractor to provide the Board with a valid and current "Certificate of Insurance."
- j) Must have proven experience if a pipe is to be placed in a public way.
- k) All Drain Layers requesting authorization by the Board to install grinder pump systems shall also be required to attend a 4-hour installation training session conducted by the grinder pump manufacturer.

#### 4.2 Certificates of Insurance

As a condition of approval by the Board, applicants for licenses shall file with the Town an insurance certificate naming the Town as an additional insured party with General Commercial Liability Coverage with a minimum of \$1,000,000 and also riders for underground explosion and collapse (UEC) coverage; proof of Worker's Compensation Insurance up to the statutory limits; all of which shall remain in full force and effect for a period of at least one year from the date of approval. No insurance policy shall be cancelled without thirty (30) days prior written notice to the Board. These Certificates shall contain a provision that coverage afforded under the policies will not be cancelled until at least fifteen (15) days prior written notice has been given to the Town. Said insurance shall indemnify the Town of Kingston against any and all claims, liability or actions for damages incurred in or in any way connected with the performance of the work by a sewer system installer, and for or by reason of any act or omission of said sewer system installer in the performance of his or her work.

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**4.3 Deposits**

The Drain Layer may choose either of the options listed below:

a) Per job - A yearly deposit or certified check shall be made, payable to the Town of Kingston, in the amount of \$300 per permit Gob), up to a maximum of \$1,500 (5 jobs). Said deposit or certified check shall be refunded 18 months after the completion of the last job.

b) Per Year - covering all jobs done in the Town of Kingston, the drain layer shall file with the Town a Drain Layer Bond naming the Town as an additional insured with a minimum of \$5,000 which shall remain in full force and effect for a period of at least one year from the date of approval. No Drain Layer Bond shall be cancelled without thirty (30) days prior written notice to the Board. This Bond shall contain a provision that coverage afforded under the policies will not be cancelled until at least fifteen (15) days prior written notice has been given to the Town. Said Bond shall indemnify the Town of Kingston against any and all claims, liability or actions for damages incurred in or in any way connected with the performance of the work by a sewer system installer, and for or by reason of any act or omission of said sewer system installer in the performance of his or her work.

Upon notification by the Board that deficiencies exist for any work undertaken during the immediately preceding 18-month period, failure by licensee to remedy said deficiencies within twenty-four (24) hours of notification by the Board shall result in the Board authorizing others to remedy the deficiencies. The amount incurred to make corrections shall be deducted from the deposit and forfeited by the licensee.

**ARTICLE V - SEWER BETTERMENTS**

The authority to assess betterments, as well as the methodologies for doing so, are described in Chapter 80 "Betterments" and Chapter 83 "Sewer, Drains, and Sidewalks", Sections 14 to 24 of the General Laws of the Commonwealth of Massachusetts. The authority to assess betterments based on the uniform method was approved by a Town Meeting vote, Warrant Article 3 on June 12, 1999.

According to Massachusetts General Law Chapter 80, Section 1:

Whenever a limited and determinable area receives benefit or advantage, other than the general advantage to the community, from a public improvement made by or in accordance with the formal vote or order of a board of officers of the commonwealth or of a county, city, town or district, and such order states that betterments are to be assessed for the improvement, such board shall within six months after the completion of the improvement determine the value of such benefit or advantage to the land within such area and assess upon each parcel thereof a proportionate share of the cost of such improvement, and shall include in such cost all damages awarded therefore under chapter seventy-nine; but no such assessment shall exceed the amount of such adjudged benefit or advantage. The board shall in the order of assessment designate as the owner of each parcel the person who was liable to assessment therefore on the preceding January first under the provisions of chapter fifty-nine.

**5.1 Betterment Assessment**

Betterment assessments may proceed in a two-step approach. Initial Individual Betterments may be assessed once the Town construction project has begun and/or contracts have been signed. Final Individual Betterments shall be assessed once the Town construction project is complete, the sewer system is operational and available for hookup, and all final costs are known.

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a) Initial Betterment Assessment

1. The Total Project Cost at the time of the assessment of initial Individual Betterments shall be determined by the entire value of all signed contracts reduced by ½.
2. The Initial Betterment Assessment for property owners shall be assessed following award of the construction contracts. The Total Betterment Cost associated with this assessment will include all costs related to construction and may include a portion of the cost for planning and design of the entire project, and may include a cost of construction of the wastewater treatment plant, when applicable.

b) Final Betterment Assessment

1. Final Individual Betterments shall be assessed following completion of the Town construction project, once all final invoices are received and totaled.
2. The Total Project Cost at the time of the assessment of Final Individual Betterments shall be determined by totaling all project costs including all costs of engineering, construction, land acquisitions, construction engineering services, legal fees, and all related contingencies less all state and federal aid received. Final Individual Betterments for each property owner shall then be reduced by any funds paid to date by the property owner on the Initial Individual Betterments.
3. The Final Betterment Assessment for all property owners within the entire sewer area shall be assessed following completion of the Town construction project. The Total Betterment Cost associated with this assessment will include all actual project costs. The Final Betterment Assessment will incorporate all project costs and be assessed over the entire sewered area.
4. Individual Betterment Assessments shall then be assessed based on Sewer Units as defined in Title 5 of the Commonwealth of Massachusetts State Environmental Code (310 CMR Section 15). Final Individual Betterments for each property owner shall then be reduced by any funds paid to date by the property owners on the Initial Individual Betterments.
5. The Final Betterment Assessment is billed on the Real Estate Tax bills. A Municipal Lien is attached to the property being sewered. You may avoid a Municipal Lien being attached to the property by paying the Final Betterment Assessment in full, when billed.

5.2 Equivalent Residential Unit Determination

The Town of Kingston shall assess Individual Betterments based upon the uniform unit method. Property owners abutting a public sewer shall be assessed by a rate proportional to the value assigned to an Equivalent Residential Unit at the time of the assessment. Said Equivalent Residential Unit shall be determined by use class (as reported by the Town Assessor) in conjunction with Title 5 of the Commonwealth of Massachusetts State Environmental Code (310 CMR Section 15). Sewer Units shall be applied to all residential and non-residential property and all developed and non-developed property. The non-residential property shall include commercial, industrial, institutional, and any or all other non-residential properties. Properties receiving a benefit from the public sewer system shall be designated a number of sewer units in accordance with the below guidelines.

The Individual Betterment shall be calculated by dividing the Total Betterment Cost by the total number of Equivalent Residential Unit and multiplying by the number of Equivalent Residential Units allocated to an individual property.

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The value of each Equivalent Residential Unit shall be determined as follows:

$$\text{One Equivalent Residential Unit(\$)} = \frac{\text{Total Betterment Cost(\$)}}{\text{Total number of Equivalent Residential units}}$$

**Baseline for Equivalent Residential Unit Designations  
(Residential Single Family Home)**

The number of Equivalent Residential Units assigned to a particular property will be established based on the following standard:

1 Equivalent Residential Unit= 1 single family dwelling = 330 gpd

All property abutting the sewer shall be assigned, at a minimum, one Equivalent Residential Unit. All Equivalent Residential Unit calculations shall be rounded to the next closest whole number. Using use codes established by the Town Assessor, estimated non-residential sewage flow shall be estimated based on the information published in Title 5. For a property which may not comply within any of the categories listed in Title 5, the Board of Sewer Commissioners shall determine the estimated sewage flow.

Non-residential property shall be assigned a sewerage disposal volume based on Title 5 of the Commonwealth of Massachusetts State Environmental Code (310 CMR Section 15). Volume shall be based on the published values of typical sanitary sewerage as defined by Section 15.203 of Title 5.

**5.3 Betterment Payments**

Except as herein provided, the provisions of the General laws relative to the assessment, apportionment, division, re-assessment, abatement, and collection of sewer assessments, to liens therefore, and to the interest thereon shall apply to assessments made under these Rules and Regulations, and the Tax Collector of the Town of Kingston shall have all the powers conveyed by the General Laws.

- a) Lump Sum Betterment - The lump sum betterment payment for an assessed property shall be equivalent to the product of the total number of Equivalent Residential Units assigned upon said property and the appropriate value for one Equivalent Residential Unit at the time of Assessment.
- b) Apportionment for Betterment Payment - Property owners may have the option to finance betterment payments through apportionment over 30 years. The term of the apportionment will be determined based on the loan/bonding option(s) available at the time funding is secured. The interest rate charged by the Town may be up to 2 percent greater than the project bond rate being paid by the Town for the sewer project construction. In the event that the Town receives interest-free loans for the projects, there will be no interest charged on the apportionments..

**5.4 Abatements**

The Board will review and may provide abatements on the payment of the Individual Betterment Assessment on a case-by-case basis. An abatement request must be made in writing to the Board. Following receipt of this written request, the Board may schedule a meeting to hear the details of the individual request.

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The Board lacks the requisite jurisdiction to modify the six-month filing period. An abatement eliminates the responsibility the property owner has towards the cost and maintenance of the Sewer System, thus removing any claim to a future connection for the property identified.

#### 5.5 Municipal Lien

Liens for sewer betterment assessments are imposed in accordance with the provisions of Massachusetts General Law Chapter 83, Section 27 and Massachusetts General Law Chapter 80, Section 12. A sewer betterment lien may only be released upon payment of the assessment, in full, or a legal abatement thereof.

- a) There is no provision in the general laws for subordinating a betterment assessment lien, or any tax lien, to a mortgage. A subordination of mortgage or release issued prior to
- b) payment in full or abatement, signed by any board or officer of the Town would be ineffective as no Town board or officer is authorized to sign such instruments.
- c) The Town's lien for payment of a betterment assessment, like the Town's lien for repayment of property taxes, has priority over all liens. Thus as soon as the betterment assessment statement is recorded, the Town has a lien that is superior to all mortgages even those that are already of record. Therefore, upon a sale of the property or a refinancing, a new mortgage is in no worse position than an existing mortgage with respect to the Town's recorded lien.
- d) As an alternative to full payment of the betterment at the time of closing, lenders could consider establishing an escrow arrangement to ensure payment of the assessment by the property owner. Under this arrangement, at the time of closing the borrower deposits sufficient funds into the escrow account to pay the next anticipated installment of the apportioned betterment assessment and the lender collects monthly (just like a property tax escrow) an amount sufficient to be able to pay what becomes due on each subsequent installment of apportioned betterment assessments. This arrangement will protect the lender from the risk of foreclosure by the Town of its betterment assessment lien due to non-payment, without depriving the property owner of the advantage of the apportioned payments at low interest.

### **ARTICLE VI - SEWER CONNECTION FEE**

#### 6.1 Purpose

The Town of Kingston has established a Sewer Connection Fee for the purpose of constructing, reconstructing, repairing, expanding sewer lines, pumping stations, treatment works, and other related facilities, as needed.

#### 6.2 Notification

Any current sewer user proposing construction, remodeling or a change in use shall notify the Board of the proposed changes so that the potential increase in volume of discharge to the sewer system can be evaluated for assessment of a Sewer Connection Fee.

#### 6.3 Fee

The Board shall establish a Sewer Connection Fee expressed in dollars, based on the Title 5 flows for the building or buildings to be connected to the sewer system and equal to the estimated cost of constructing, reconstructing, and repairing the aforementioned sewer system facilities, collection systems, or reducing infiltration or inflow to handle an incremental amount of sewage equal to such

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flows. This Sewer Connection Fee is in addition to any other fees permitted by law. Sewer Connection fees are based on the most current sewer connection fee assessment per ERU.

#### 6.4 Sewer Connection Fee Assessment

Sewer Connection Fee assessments may proceed in a two-step approach. Initial Individual Sewer Connection Fee may be assessed based on the estimated costs of the Wastewater Treatment Plant Expansion project. Final Individual Sewer Connection Fees shall be assessed once the Town construction project is complete, the sewer system is operational and available for hookup, and all final costs are known.

a) Initial Sewer Connection Fee Assessment

1. The Total Project Cost at the time of the assessment shall be determined by the estimated costs of the Wastewater Treatment Plant Expansion project. The estimated Initial Sewer Connection Fee associated with this assessment will include all costs related to construction and may include a portion of the cost for planning and design of the entire project, and may include a cost of construction of the wastewater treatment plant, when applicable

b) Final Sewer Connection Fee Assessment

1. The Final Connection Fee shall be assessed following completion of the Town construction project, once all final invoices are received and totaled.
2. The Total Project Cost at the time of the assessment of Final Sewer Connection Fee shall be determined by totaling all project costs including all costs of engineering, construction, land acquisitions, construction engineering services, legal fees, and all related contingencies less all state and federal aid received. Final Sewer Connection Fee for each property owner shall then be reduced by any funds paid to date by the property owner on the Initial Individual Sewer Connection Fee.
3. The Final Sewer Connection Fee Assessment for all property owners requesting the additional sewer capacity shall be assessed following completion of the Town construction project. The Total Sewer Connection Fee associated with this assessment will include all actual project costs. The Final Sewer Connection Fee assessment will incorporate all project costs and be assessed to the property owners requesting the additional sewer capacity.
4. Individual Sewer Connection Fee shall then be assessed based on Sewer Units as defined in Title 5 of the Commonwealth of Massachusetts State Environmental Code (310 CMR Section 15). Final Sewer Connection Fee for each property owner shall then be reduced by any funds paid to date by the property owners on the Initial Sewer Connection Fee.
5. The Sewer Connection Fee is billed on the Real Estate Tax bills. A Municipal Lien is attached to the property being sewered. You may avoid a Municipal Lien being attached to the property by paying the Final Sewer Connection Fee in full, when billed.

#### 6.5 Equivalent Residential Unit Determination

The Town of Kingston shall assess Individual Connection Fees based upon the uniform unit method. Property owners abutting a public sewer shall be assessed by a rate proportional to the value assigned

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to an Equivalent Residential Unit at the time of the assessment. Said Equivalent Residential Unit shall be determined by use class (as reported by the Town Assessor) in conjunction with Title 5 of the Commonwealth of Massachusetts State Environmental Code (310 CMR Section 15). Sewer Units shall be applied to all residential and non-residential property and all developed and non-developed property. The non-residential property shall include commercial, industrial, institutional, and any or all other non-residential properties. Properties receiving a benefit from the public sewer system shall be designated a number of sewer units in accordance with the below guidelines. The Individual Sewer Connection Fee shall be calculated by dividing the Total Sewer Connection Fee by the total number of Equivalent Residential Unit and multiplying by the number of Equivalent Residential Units allocated to an individual property.

**6.6 Sewer Connection Fee Payments**

Except as herein provided, the provisions of the General laws relative to the assessment, apportionment, division, re-assessment, abatement, and collection of sewer assessments, to liens therefore, and to the interest thereon shall apply to assessments made under these Rules and Regulations, and the Tax Collector of the Town of Kingston shall have all the powers conveyed by the General Laws.

- a) Lump Sum Sewer Connection Fee - The lump sum sewer connection fee payment for an assessed property shall be equivalent to the product of the total number of Equivalent Residential Units assigned upon said property and the appropriate value for one Equivalent Residential Unit at the time of Assessment.
- b) Apportionment for Sewer Connection Fee Payment - Property owners shall have the option to finance sewer connection fee payments through apportionment over 30 years. The interest rate charged by the Town shall be the interest rate being paid by the Town for the sewer project.. In the event that the Town receives interest-free loans for the projects, there will be no interest charged for those loans.

**6.7 Abatements**

The Board will review and may provide abatements on the payment of the Individual Sewer Connection Fee on a case-by-case basis. An abatement request must be made in writing to the Board. Following receipt of this written request, the Board may schedule a meeting to hear the details of the individual request.

**6.8 Municipal Lien**

Liens for sewer connection fee assessments are imposed in accordance with the provisions of Massachusetts General Law Chapter 83, Section 27 and Massachusetts General Law Chapter 80, Section 12. A sewer connection fee lien may only be released upon payment of the assessment, in full, or a legal abatement thereof.

- a) There is no provision in the general laws for subordinating a sewer connection fee assessment lien, or any tax lien, to a mortgage. A subordination of mortgage or release issued prior to
- b) payment in full or abatement, signed by any board or officer of the Town would be ineffective as no Town board or officer is authorized to sign such instruments.
- c) The Town's lien for payment of a sewer connection fee assessment, like the Town's lien for repayment of property taxes, has priority over all liens. Thus as soon as the sewer connection fee assessment statement is recorded, the Town has a lien that is superior to all mortgages even

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those that are already of record. Therefore, upon a sale of the property or a refinancing, a new mortgage is in no worse position than an existing mortgage with respect to the Town's recorded lien.

## **ARTICLE VII-SEPTAGE DELIVERY PROCEDURES**

### **7.1    Location**

All septage must be discharged at the Kingston Wastewater Treatment Plant, 8 Cranberry Road, Kingston at designated locations and under conditions acceptable to the Chief Operator.

### **7.2    Hours**

Septage will be accepted at the plant between the hours of 7:00 a.m. and 3:00 p.m., Monday through Friday, excepting legal holidays.

### **7.3    Criteria**

A hauler's septage load shall not be accepted unless the following criteria are met:

- a) There are no outstanding debts to the Town of Kingston for prior septage handling.
- b) An approved form or forms, legibly completed, showing the source(s) of the load and the volume from each source must accompany each load.
- c) All trucks shall have the volume of the load checked by the Chief Operator. Gallonage to be delivered by hauler must equal the sum of gallonage on the form presented to the Chief Operator. The Chief Operator shall confirm this before delivery is made. If a discrepancy is found, delivery may be refused.
- d) The hauler shall be required to provide a sample of the load to be discharged, taken in the presence of the Chief Operator. The Chief Operator may require analyses of the sample before the truck is permitted to discharge to the plant. The Chief Operator will provide sample containers.
- e) No industrial wastes shall be accepted. Only sanitary wastes shall be discharged to the plant unless otherwise authorized by the Superintendent.

### **7.4    License Required**

To discharge septage to the plant, a hauler must possess a valid septage handler's license. The Town reserves the right to reject any septage loads or loads from any septage hauler if it is deemed in the best interest of the Town.

### **7.5    Report Required**

Haulers are required to give a full written report to the Chief Operator within three (3) business days after notice by the Chief Operator that a prohibited substance, as enumerated in these Rules and Regulation, appears to have been found in a septage load delivered by that hauler.

### **7.6    Right to Reject**

The Chief Operator reserves the right to reject a septage load for discharge to the plant for reasons including, but not limited to:

- a) The load is not properly identified as to source(s) or content.

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- b) There is not sufficient capacity in the plant to properly handle the load.
- c) Accepting the load represents a threat to the public health, safety, or protection of property, in the judgment of the Chief Operator.
- d) The septage contains any of the constituents or has any of the characteristics described in these Rules and Regulations.

**7.7 Haulers Responsibility**

The septage receiving area is equipped with two (2) 4 inch discharge hoses with female quick disconnects. Haulers are responsible for providing their own couplings to adapt to the 4 inch disconnect, if required.

- a) The hauler shall be responsible for cleanup of any splash or spill at the discharge area.
- b) All discharges of septage shall be in accordance with the instructions of the Chief Operator.
- c) Gravity discharge only
- d) Haulers must call the telephone number provided before arriving at the Plant to be sure there is room in the Receiving Tanks.

**7.8 Discharge**

No hauler shall discharge septage which, in the opinion of the Chief Operator, contains materials which are not amenable to treatment or reduction by the treatment process employed at the plant, or is amenable to treatment only to such a limited degree that the plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to receiving waters.

**7.9 Recreational Vehicles**

Recreational Vehicle (RV) wastes will only be accepted at the plant from Kingston residents. Deliveries may be subjected to the same testing requirements as deliveries by licensed haulers, as deemed necessary by the Chief Operator.

**7.10 Testing Methods**

All measurements, tests, and analyses of the characteristics of wastewater to which reference is made herein shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater."

**ARTICLE VIII - PROTECTION FROM DAMAGE**

**8.1 Trespass or Damage**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with a structure, appurtenance or equipment which is a part of the sewage works of the Department. Any person, firm, partnership, association, society, corporation, company or

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organization of any kind or their agents or assigns found to be violating this provision shall be subject to appropriate criminal proceedings. No unauthorized person shall enter or remain in or upon any land or structure of the sewage works. Any person violating this provision shall be subject to charges of trespass.

**8.2 Accidental Discharge**

Customers and/or sewer users shall notify the Department immediately upon accidentally discharging wastes in violation of these regulations. This notification shall be followed, within five days after the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant or treatment process or for any fines imposed on the Town under applicable State and Federal regulations.

**8.3 Notice of Accidental Discharge**

Any person responsible for, or becoming aware of, the discharge to a public sewer, accidental or otherwise, of any prohibited substance or slug as defined herein, shall report same immediately to the Chief Operator so the necessary precautions can be taken to minimize the deleterious effects of the discharge. Said person shall file a full written explanation to the Board within twenty-four (24) hours of the accidental discharge detailing the cause as well as what measures will be taken to ensure future accidental discharges are prevented.

**8.4 Notice and Repair of Damaged Sewer Line**

Whenever any service connection to any public sewer shall become clogged, broken, obstructed, out of order or detrimental to the use of a public sewer, or unfit for carrying sewage, the owner, agent, occupant or person having charge of any building or lot of land or premises in which such service connection is located shall, upon notification by the Superintendent, remove, reconstruct, alter, clean or repair such service connection as the condition thereof may require. In case of neglect or refusal to comply with such notice within five (5) days after the same is given, the Superintendent may cause the service connection to be removed, reconstructed, repaired, altered or cleaned, as he or she may deem expedient, at the expense of such owner, agent, and occupant or other person so notified, who shall also be liable to a penalty for such neglect or refusal.

**ARTICLE IX - POWERS AND AUTHORITY OF INSPECTORS**

**9.1 Authority of Inspectors**

The Superintendent and other duly authorized Department employees or agents of the Town, the United States Environmental Protection Agency, and the Massachusetts Department of Environmental Protection, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these rules and regulations. Under these rules and regulations the Superintendent or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, papers, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterways, or facilities for wastewater or septage treatment.

**9.2 Smoke and Dye Tests**

The Superintendent and other duly authorized Department employees or agents of the Town, bearing proper credentials and identification, shall be permitted to make tests of the sewer system, including

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smoke tests and dye tests, and shall be permitted to perform reasonable visual inspections inside buildings in order to test for unauthorized or excessive discharges into the sewer system.

**9.3 Liability**

While performing the necessary work on private properties referred to in this Article, the Superintendent or duly authorized Department employees or agents of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in these rules and regulations and other state and federal regulations.

**9.4 Easement**

The Superintendent and other duly authorized Department employees or agents of the Town, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**ARTICLE X - PENALTIES**

**10.1 Notice of Violation**

Any person found to be violating any provision of these rules and regulations may be served by the Town with written notice, stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

**10.2 Fines**

Any user, who shall continue any violation beyond the time limit stated in writing, as provided herein, shall be guilty of a violation of these regulations. The Town shall file appropriate charges in the Superior court as provided in Section 13 of Chapter 83 of the Massachusetts General Laws for violations hereunder, and there shall be a fine in an amount not to exceed such limits prescribed by the Massachusetts General Laws, including Chapter 83, Section 10, for each day or part thereof during which such violation shall continue beyond the time limit specified herein. Each day in which any such violation shall continue shall be deemed a separate offense.

**10.3 Penalty for Unapproved Use**

In addition to the aforementioned penalties, any person making any connections with or opening into, or substantial change in use of any public sewer or appurtenance thereof, without an approved application signed by the Board, shall pay twice the amount of all required fees, including the Sewer Connection Fee. Any unpaid fees shall be subject to the same penalties and fees applicable to unpaid real estate taxes as established by State statute.

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**10.4 Liability of Violator**

Any person violating any of the provisions of these rules and regulations shall become liable to the Town for any expense, loss, fines, charges, or damage occasioned the Town by reason of such violation.

**ARTICLE XI - RIGHT OF WAIVER**

**11.1 Requests for Waiver**

The Board reserves the right to waive any portions of these rules and regulations which may cause undue hardship, or during emergency conditions, or be in the best interest of the Town. Each request for waiver shall be made in writing to the Commission. Nothing stated in this section shall be interpreted to mean that the Commission has the right to waive any Massachusetts General Laws or State regulations referenced in these rules and regulations, as these references are only provided to be of assistance to the applicants.

**11.2 Validity**

- a) Repeal of Conflicting Policies - All policies and rules and regulations or parts of policies and rules and regulations in conflict herewith are hereby repealed.
- b) Invalidation of Sections - The invalidity of any section, clause, sentence, or provisions of these rules and regulations shall not affect the validity of any other part of these rules and regulations which can be given effect without such invalid part or parts.

**ARTICLE XII - MISCELLANEOUS**

**12.1 Adoption of Rules and Regulations**

All prior rules and regulations of this department or parts thereof in conflict herewith are hereby repealed by the adoption of these rules and regulations.

**12.2 Validity of Rules and Regulations**

Any provisions of these rules and regulations that are found to be unenforceable in any court of the Commonwealth of Massachusetts shall not affect the validity of any other provisions of these rules and regulations.

**12.3 Publication and Filing of Rules and Regulations**

These rules and regulations and any amendments thereto shall be in full force and effect from and after their passage, approval, recording, and publication as provided by law. These rules and regulations, including amendments thereto, are available for inspection at the office of the Town Clerk, Kingston Town Hall.

**"ADOPTED BY THE BOARD OF SEWER COMMISSIONERS OF THE TOWN OF KINGSTON ON JULY 19, 2005 AND REVISED ON AUGUST 7, 2019."**

BOARD OF SEWER COMMISSIONERS